2817y:3

Petitioner

BEFORE THE PETITION FOR ZONING VARIANCE SE/S of Town Center Drive, ZONING COMMISSIONER 657.53 feet east of Corporate * Drive, Lot No. 11, Town Center OF BALTIMORE COUNTY 14th Election District Case No. 89-542-A 6th Councilmanic District Nottingham Village, Inc.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

Petitioner, Nottingham Village, Inc., has requested variances of Sections 413.6f and 413.5d to permit the construction of a free-standing park identification sign with a gross surface area of 600 square feet and a height of 50 feet as described with particularity in the Petitioner's Exhibit No. 1.

The Petitioner, through its attorney, Keith R. Truffer, appeared and testified. Also appearing on behalf of the Petitioner were: Mr. Richard R. Jones, Senior Vice President with Nottingham Village, Inc.; Mr. Phillip Engelke of RTKL Associates, Inc., architect, and Mr. Ralph Patterson of the Baltimore County Office of Economic Development. Also present were Ms. Lauren Brown of Nottingham Properties, Inc. and Mr. James Matis of George W. Stephens, the project engineer. No persons appeared in opposition to the Petition.

Testimony indicated that the subject property, known as Lot No. 11, Town Certer Drive, is zoned ML and is currently ROYSTON, MUELLER, unimproved. The property is part of a contiguous series of

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> 2) The existing free-standing sign for the White Marsh Mall shall be removed within 9 months after the building permit has been issued for the subject sign.

> > -5-

/Zoning Commissioner for Baltimore County

integrated commercial lots, some of which have been improved by commercial buildings, all comprising the White Marsh Business Community; construction is planned for other commercial buildings, including offices, a hotel and a health center. The White Marsh Business Community enjoys in excess of 9,000 feet of road frontage on the west side of Interstate 95.

The proposed free-standing sign is of metal construction, 50 feet in height, and includes a concrete foundation. Testimony described the sign as having two articulated faces, each 6 feet in width. The sign will be white in color with green lettering indicating the name "White Marsh" and the White Marsh logo. The proposed sign will be illuminated extelorly, except for the green lettering and logo, which would use interior illumination. Testimony indicated that the effect of the articulated faces of the sign and the exterior illumination would be to minimize, if not eliminate, any glare to the surrounding area. A drawing of the proposed sign was introduced as Exhibit 2.

The Petitioner, Nottingham Village, Inc., retains either direct ownership or architectural control through restrictive covenants over all of the comme cial properties in the White Marsh Business Community, with the exception of the U.S. Post Office. This control has been utilized to produce a harmonious scheme of development throughout the White Marsh Business Community. A copy of the deed restrictions was introduced as Exhibit 3.

ROYSTON. MUELLER.

MCLEAN & REID

SUITE 600

102 W. PENN. AVE.

TOWSON, MARYLAND

21204-4575

823-1800

Testimony described White Marsh as Baltimore County's "front door" to business travelers from the north and south on

-2-

PETITION FOR ZONING VAINANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section Variance is requested to Section 413.6f. to permit one freestanding park identification sign having a surface area of 300 s.f. per

identification sign having a surface area of 150 s.f. per face/300 s.f. totals.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the Parallel

Variance is requested to Section 413.5d. to permit a sign height of 50 feet in

face (600 s.f. total) in lieu of the permitted one freestanding park

Without the requested Variance(s), the Petitioner will suffer

Property is to be posted and advertised as prescribed by Zoning Regulations.

Baltimore County adopted pursuant to the Zoning Law For Baltimore County,

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this

Legal Owner(s):

(Type of Print Name)

(Type or Print Name)

Signature

City and State

petition, and further agree to and are to be bound by the zoning regulations and restrictions of

practical difficulty or unnecessary hardship in identifying the

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

lieu of the maximum permitted 25 feet.

White Marsh Business Community.

12 W. Pennsylvania Avenue

torney's Telephone No.: (301) 823-1800

ORDERED By The Zoning Commissioner of Baltimore County, this

equired by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Bal imore County, that property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106. County Office Building in Towson. Baltimore

owson, Maryland 21204

Contract Purchaser:

City and State

Attorney for Petitioner:

Keith R. Truffer

(Type or Print Name)

(Type or Print Name)

following reasons: (indicate hardship or practical difficulty)

Interstate 95. This testimony suggested the importance of an appropriate sign to create an impression of business quality, to identify the site designated by County policymakers as a town center and a growth area, and to attract new business to the

Testimony from Mr. Ralph Patterson of the Baltimore County Office of Economic Development made clear that the continued growth of White Marsh is important to the economic and social well-being of the County. It is found as a fact that the sign identifying this community to business travelers on I-95 would further the general welfare of the Baltimore County community.

Tesimony was received from the architect, Mr. Phillip Engelke, concerning the visibility of a sign identifying White Marsh to travelers on I-95. Exhibits 4, 5, 6, 7 and 8 were introduced to show views of the proposed sign location to travelers north and south on I-95 and the height of the proposed sign relative to the existing tree line and terrain. It is found as a fact that, due to the existing terrain, tree line and required setbacks from I-95 in the area where the sign will be located, a height of 50 feet will be the minimum necessary to effectively make the sign visible from I-95. A sign of the permitted 25 feet would serve no useful purpose.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

2) whether the grant would do substantial justice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this And day of August, 1989 that the Petition for Zoning Variance to permit the construction of a free-standing park identification sign having a surface area of 300 square foot per face (600 square foot total) in lieu of the permitted 150 square foot per face/300 square foot total with a height of 50 feet in lieu of the maximum permitted 25 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

ROYSTON, MUELLER, McLEAN & REID SUITE 600 102 W. PENN. AVE. TOWSON, MARYLAND 21204-4575

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. ENGINEERS P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition for Variance in an Existing ML Zone

ROYSTON, MUELLER.

MCLEAN & REID

SUITE 600

102 W. PENN, AVE.

TOWSON, MARYLAND

21204-4575

41

F

1000 1 =

I/We do solemnly declare and affirm.

By: Signature Richard R. Jones, Vice President

under the penaities of perjury, that I we

are the legal owner(s) of the property

which is the subject of this Petition.

Nottingham Village, Inc.

100 W. Pennsylvania Avenue

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Towson, Maryland 21204

DP ____

April 7,1989

Beginning for the same at a point measured North 87 degrees 45 minutes 18 seconds East 657.53 feet from the centerline intersection of Corporate Drive (formerly Sandpiper Circle) and Town Center Drive, said place of beginning being on the southerly side of Town Center Drive at a point designated 402 shown on a Plat entitled "Resubdivision Plat of White Marsh Business Community, Section D, recorded among the Plat Records of Baltimore County, Maryland in Plat Book E.H.K., Jr. 55 folio 131, running thence leaving said place of beginning, binding on the

outline of Lot 11 shown on said Plat, the four following courses, viz: 1) binding on the southerly side of Town Center Drive 60 foot wide, northeasterly by a curve to the left having a radius 2430.00 feet for a distance of 450.27 feet, said curve being subtended by a chord bearing North 72 degrees 38 minutes 44 seconds East 449.62 feet, thence leaving said Town Center

2) South 32 degrees 57 minutes 18 seconds East 343.10 feet, to intersect the northwesterly side of the John F. Kennedy Memorial Highway (I-95),

3) binding on the the northwesterly side of the John F. Kennedy Memorial Highway (I-95), South 57 degrees 02 minutes 42 seconds West 433.06 feet, thence leaving said (I-95), and 4) North 32 degrees 57 minutes 18 seconds West 470.02 feet to the place of beginning.

Containing 4.00 Acres more or less.

This Description is intended for Zoning Purposes Only and not intended for the Conveyance of Land.

FROM THE OFFICE OF GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC. ENGINEERS P.O. BOX 6828, TOWSON, MARYLAND 21204

Description to Accompany Zoning Petition for Variance in an Existing ML Zone

April 7,1989

Beginning for the same at a point measured South 72 degrees 08 minutes 20 seconds East 910.58 feet from the centerline intersection of Corporate Drive (formerly Sandpiper Circle) and Town Center Drive, running thence leaving said place of beginning, the four following

courses, viz: 1) North 57 degrees 02 minutes 42 seconds East 30.00 feet, 2) South 32 degrees 57 minutes 18 seconds East 50.00 feet, 3) South 57 degrees 02 minutes 42 seconds West 30.00 feet and 4) North 32 degrees 57 minutes 18 seconds West 50.00 feet to the

The same of the sa

place of beginning. Containing 0.034 Acres more or less.

This Description is intended for Zoning Purposes Only and not intended for the Conveyance of Land.

SUITE 600 21204-4575

102 W. PENN. AVE. TOWSON, MARYLAND

ROYSTON, MUELLER. MCLEAN & REID

MCLEAN & REID

102 W. PENN. AVE. TOWSON, MARYLAND 21204-4575

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines August 2, 1989 Keith R. Truffer, Esquire Royston, Mueller, McLean & Reid extuare feet per tace (600 square set total) in lieu of the permitted the free standing park identification sign having a surface area of 50 square feet per face/300 (quare feet totals; and to permit a sign height of 50 feet in lieu of the maximum permitted 25 feet. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issued of the second to good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or 102 W. Pennsylvania Avenue, Suite 600 Dennis F. Rasmussen Towson, Maryland 21204 RE: PETITION FOR ZONING VARIANCE SE/S Town Center Drive, 657.53' E of Corporate Drive (Lot #11, Town Center Drive) 14th Election District - 6th Councilmanic District Nottingham Village, Inc. - Petitioners Case No. 89-542-A date of the hearing set above or presented at the hearing. Dear Mr. Truffer: Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted J/N/6/114 June 8. in accordance with the attached Order. In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391. NOTICE OF HEARING Very truly yours, Zoning Commissioner for Baltimore County JRH:bjs cc: People's Counsel File CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Petitioner: No thenglyon Milleg. Inc.
Location of property: SE/S Town CTr. Dridge 657, 53' Eflorect 2 14 Dinds Location of Signs: Facing Town City Drive opnox. For Fr. You dway.

On property of the totoper Date of return: 6/25/89 000,85 M PARTOF NE7H

36ALE 1"=200"

Baltimore County CERTIFICATE OF PUB! ICATION NOTICE OF HEARING Zoning Commissioner Office of Planning & Zoning Baltimore County, by authority of the Zoning Act and Requisions of Baltimore County will hold a Towson, Maryland 21204 public hearing on the property identified herein in Room 106 of the County Office Building, to-cated at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: (301) 887.3333 J. Robert Haines Zoning Commissioner THIS IS TO CERTIFY, that the annexed advertisement was Petition for Zoning Variance Case number: 89-542-A SE/S of Town Center Drive 657.53° E of Corporate Drive Lot #11 Town Center Drive 14th Election published in THE JEFFERSONIAN, a weekly newspaper published Date: 6/17/87 Nottingham Village, Inc. in Towson, Baltimore County, Md., once in each of ____ successive 100 W. Pennsylvania Avenue 6th Councilmanic Petitioner(s): Nottingham Village, Inc. Hearing Date: Friday, July 7, 1989 at 11:00 a.m. weeks, the first publication appearing on 1158, 1959. Towson, Maryland 21204 ATTN: RICHARD R. JONES Variance: to permit one free standing part identification sign naving a surface area of 300 square feet per face (600 square and tools) in line of the standard feet of the stand Dennis F. Rasmussen Re: Petition for Zoning Variance CASE NUMBER: 89-542-A HEARING SCHEDULED: FRIDAY, JULY 7, 1989 at 11:00 a.m. lear Petitioner(s): Floase be advised that \$ 101.07 ____ is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. No not remove the sign and post set(s) from the time it is posted by this office unit! the day of the hearing. J. ROBERT HAINES THIS FEE MUST BE FAID AND THE ZONING SIGN & FOST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. CERTIFICATE OF PUBLICATION Please make your check payable to Paltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Haryland 21204 fifteen (15) minutes before your hearing is scheduled to begin. TOWSON, MD., JUNE 8 , 1989 Legisland and the control of the con BALTIMORE COUNTY, MARYLAND 🛬 Will be an additional THIS IS TO CERTIFY, that the annexed advertisement was OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimor County. Md., once in each of ____ successive weeks, the first publication appearing on June 8, 1989. 5. Zete alm

8

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

May 26, 1989

NOTICE OF HEARING

Dennis F. Pasmussen

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-542-A SE/S of Town Center Drive, 657.53' E of Corporate Drive Lot #11 Town Center Drive 14th Election District - 5th Councilmanic Petitioner(s): Nottingham Village, Inc. HEARING SCHEDULED: FRIDAY, JULY 7, 1989 at 11:00 a.m.

Variance: To permit one free standing park identification sign having a surface area of JOO square feet per face (600 square feet total) in lieu of the permitted one free standing park identification sign having a surface area of 150 square feet per face/300 square feet totals; and to permit a sign height of 50 feet in lieu of the maximum permitted 25 feet.

In the event that this letition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. . Polyt Mainea

J. ROBERT HAINES Zoning Commissioner of

Baltimore County cc: Nottingham Village, Inc. Keith R. Truffer, Esq.

MRSJr:ejh

12/15/84

WHITE MARSH BUSINESS COMMUNITY DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

536836 3633

THIS DECLARATION, made this ______day of December, 1984, by NOTTINGHAM VILLAGE, INC., a Maryland corporation, hereinafter referred to as "Developer."

EXPLANATORY STATEMENT

 Developer is the owner of all that real property (hereinafter defined as the "Property") located west of the JFK Memorial Highway (Interstate Route 95) and south of White Marsh Boulevard in Baltimore County, Maryland, and more particularly described in Exhibit A attached hereto.

2. Developer intends to develop such real property (and such other surrounding real property as may hereafter be made subject to this Declaration) as a part of planned industrial and commercial business community to be known as the White Marsh Business Community.

3. By this Declaration, Developer intends to impose upon the real property described in Exhibit A, and such other real property as may hereafter be made subject hereto from time to time, the covenants, conditions, restrictions and other encumbrances hereafter set forth for the purpose of establishing a general plan for the development of a planned industrial and commercial business community for the mutual tenefit of all real property as may from time to time be made subject to this Declaration, the improvements thereon and the future owners and occupants thereof. This Declaration is intended to complement governmental regulations, and where conflicts occur, the most rigid requirements shall prevail.

DEFINITIONS

l. Definitions. Unless the context otherwise specifies of requires, the terms defined in this Article I shall, for all purposes of this Declaration, have the meaning herein specified:

1.1 Building. "Building(s)" shall rean a Structure of

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

Historia of

Engineering Department of Traffic Engineering State Roads Commission Bureau of Fire Prevention Health Department Project Planning Building Department Board of Education

Zoning Administration

bevelopment

COUNTY OFFICE BLOG. 111 W. Cresspeake Ave. Towson, Maryland 21204

102 W. Pennsylvania Avenue Towson, MD 21204 RE: Item No. 440, Case No. 89-542-A Petitioner: Nottingham Village, Inc. et al Petition for Zoning Variance

Dear Mr. Truffer:

Reith R. Truffer, Esquire

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

June 20, 1989

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTE COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

Zoning Plans Advisory Committee

JED:jw Enclosures

cc: Mr. Richard R. Jones Nottingham Village, Inc. 100 W. Pennsylvania Avenue Towson, MD 21204

> BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines Zoning Commissioner

PATE: July 7, 1989

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-542-A Item No. 440

Re: Nottingham Village, Inc.

This office generally opposes signs of such size, especially when adjacent to expressways. However, the sign proposed here is more indormational than advertisement in nature.

This effice favors the design of the sign, and if granted by the Zoning Commissioner, the Variances should be granted only for the design indicated on the site plan. In addition, this office recommends that the sign not be internally illuminated and that no other park identification signs be permitted.

A:7789.txt Pg. 5

89-54ZA

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

FIGHER P DENES LOCATE PATERION HIMPY EWGELKE -AMES & MATIS KALPH PATTERSON Phyllis Thylor

and the second of the KC. W. TENERON min venedil house SOOE PRATT ST. BALTIMULE 303 ALLEGHENY AVE, TOWSON MC BALTO COUNTY EDC BALTO COUNTY EDO

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite '55 Towson, Maryland 21204 (301) 887-3554

April 25, 1989



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, MD 21204

Dear Mr. Haines

The Bureau of Traffic Engineering has no comments for items number 424, 425, 426, 427, 428, 429, 430, 431, 432, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 447, and 448.

Very truly yours,

Michael S. Flanigan Traffic Engineer Assoc. II

89-542-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

Petitioner Bottingham Village, et al

Chairman, Zoning Plans Advisory Committee

Baltimore County Fire Department 800 York Road Towson, Maryland 21204-2556 (301) 887-4500 Paul H. Reincke

> J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Froperty Owner: Nottingham Village, Inc.

Location: SE/S of Town Center Drive, 657.53' E of Corporate Dr.

Item No.: 440

Zoning Agenda: April 25, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Frevention Bureau has no comments at this time.

REVIEWER: Catt Joseph Kelly 4-35-69 Approved Rot Lom Special Inspection Division

Noted and Rot Lom Special Manual Planning Group

Five Prevention Bureau

Special Inspection Division

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 17, 1989

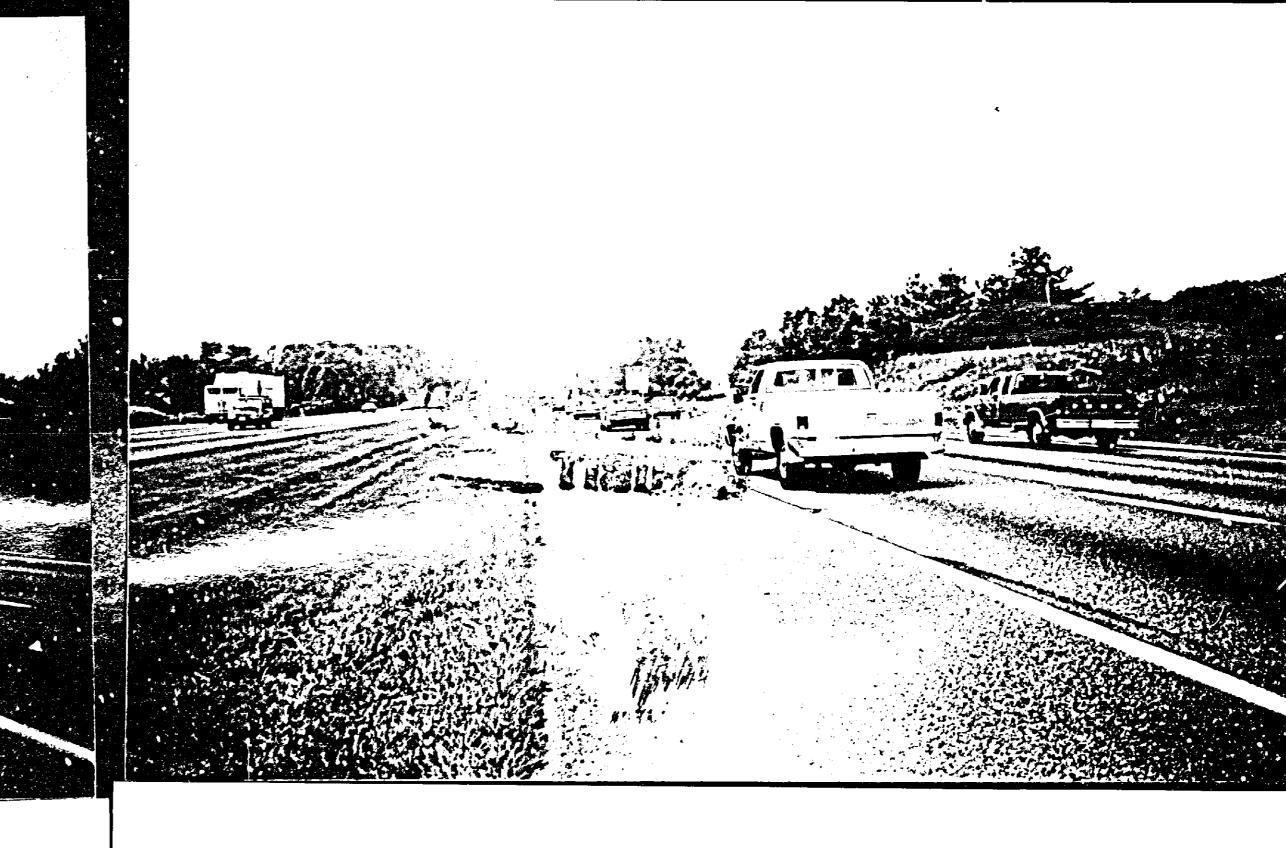
FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for April 25, 1989

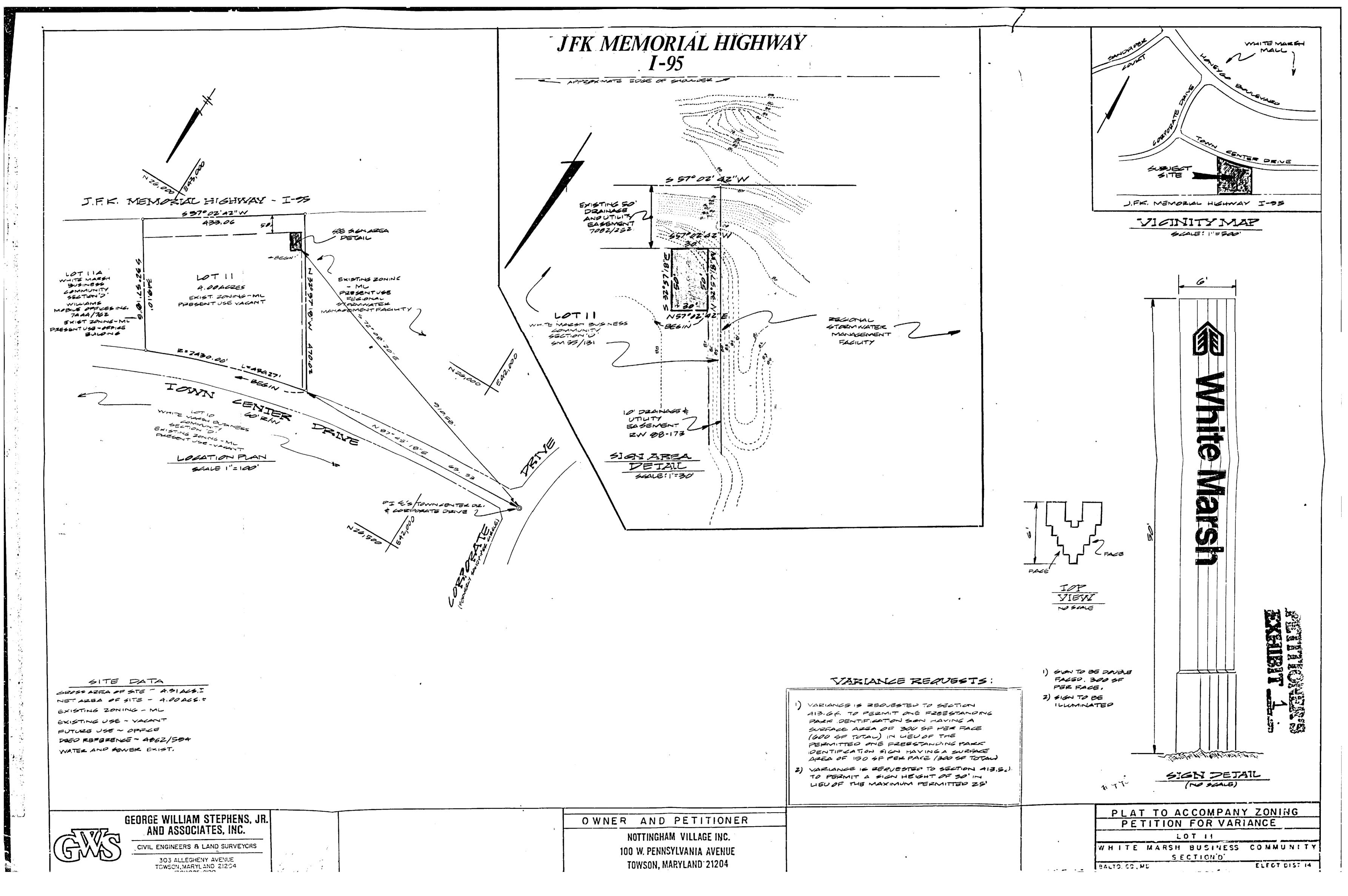
The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for Items 424, 425, 427, 428, 429, 430, 431, no comments for Items 424, 441, 442, 443, 444, 445, 447, and 432, 435, 437, 439, 440, 441, 442, 443, 444, 436, 438 and 448. Comments are attached for Items 426, 434, 436, 138 and 446.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s







- ATT GIBOKE 10-21 25:0 0-03

MAIN 3

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No Date Item
REVISIONS
Drawn Seal

Checked

Approved

Contr No
Scale
Date
Last Rev